

CASE NO. 12-57302

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

CINDY LEE GARCIA,

Plaintiff-Appellant,

vs.

GOOGLE INC. and YOUTUBE, LLC,

Defendants-Appellees.

**APPELLEES GOOGLE INC. AND YOUTUBE, LLC'S
SUPPLEMENTAL EXCERPTS OF RECORD**

On Appeal from the United States District Court
for the Central District of California

Hon. Michael W. Fitzgerald, District Judge
District Court Case No. CV-12-8315-MWF (VBKx)

PERKINS COIE LLP
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Attorneys for Defendants-Appellees
Google Inc. and YouTube, LLC

**Supplemental Excerpts of Record of Defendants-Appellees
Google Inc. and YouTube, LLC**

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(VBKx), APPEAL, DISCOVERY, MANADR

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:12-cv-08315-MWF-VBK**

Garcia et al v. Google Inc et al
Assigned to: Judge Michael W. Fitzgerald
Referred to: Magistrate Judge Victor B. Kenton
Case in other court: 9th CCA, 12-57302
9th CCA, 12-57333
Cause: 17:101 Copyright Infringement

Date Filed: 09/26/2012
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Cindy Lee Garcia
an individual

represented by **Credence E Sol**
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V.

Movant

Occupy Los Angeles

represented by **Occupy Los Angeles**
CR Legal SR dba Occupy Los Angeles
PO Box 94971
Pasadena, CA 91109
310-505-1052
PRO SE

V.

Defendant

Nakoula Basseley Nakoula

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*an individual
also known as
Sam Bacile*

Defendant

Google Inc
a Delaware Corporation

represented by **Timothy L Alger**
Perkins Coie LLP
3150 Porter Dr
Palo Alto, CA 94304-1212
650-838-4300[✉]
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Defendant

YouTube LLC
a California limited liability company

represented by **Timothy L Alger**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sunita Bali
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Does
1 through 10 inclusive

Defendant

Mark Basseley Youssef

Defendant

Abanob Basseley Nakoula

Defendant

Matthew Nekola

Defendant

Ahmed Hamdy

Defendant**Amal Nada****Defendant****Daniel K Caresman****Defendant****Kritbag Difrat****Defendant****Sobhi Bushra****Defendant****Robert Bacily****Defendant****Nicola Bacily****Defendant****Thomas J Tanas****Defendant****Erwin Salameh****Defendant****Yousseff M Basseley****Defendant****Malid Ahlawi**

Date Filed	#	Docket Text
09/26/2012	<u>1</u>	COMPLAINT against Defendants Does 1 through 10 inclusive, Google Inc, Nakoula Basseley Nakoula, YouTube LLC. Case assigned to Judge Michael W Fitzgerald for all further proceedings. Discovery referred to Magistrate Judge Victor B. Kenton.(Filing fee \$ 350 PAID.) Jury Demanded., filed by Plaintiff Cindy Lee Garcia.(et) (Additional attachment(s) added on 9/28/2012: # <u>1</u> Ntc of Asgmt) (mg). (Entered: 09/27/2012)
09/26/2012		21 DAY Summons Issued re Complaint - (Discovery) <u>1</u> as to Defendants Google Inc, Nakoula Basseley Nakoula, YouTube LLC. (et) (Entered: 09/27/2012)
09/26/2012	<u>2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiff Cindy Lee Garcia. (et) (mg). (Entered: 09/27/2012)
09/26/2012	<u>3</u>	NOTICE TO COUNSEL RE: Copyright, Patent and Trademark Reporting Requirements. Counsel shall file the appropriate AO-120 and/or AO-121 form with the Clerk within 10 days. (Attachments: # <u>1</u> Form AO121) (et) (Entered:

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		09/28/2012)
09/26/2012	<u>4</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (et) (Entered: 09/28/2012)
10/04/2012	<u>5</u>	FIRST AMENDED COMPLAINT against defendants Google Inc, Nakoula Basseley Nakoula, YouTube LLC, Mark Basseley Youssef, Abanob Basseley Nakoula, Matthew Nekola, Ahmed Hamdy, Amal Nada, Daniel K Caresman, Kritbag Difrat, Sobhi Bushra, Robert Bacily, Nicola Bacily, Thomas J Tanas, Erwin Salameh, Yousseff M Basseley, Malid Ahlawi, Does 1 through 10 amending Complaint <u>1</u> with JURY DEMAND, filed by plaintiff Cindy Lee Garcia. (jp) (Additional attachment(s) added on 10/10/2012: # <u>1</u> 21 Days Summons Issued) (jp). (Entered: 10/04/2012)
10/04/2012		21 DAY Summons Issued re First Amended Complaint <u>5</u> as to defendants Malid Ahlawi, Nicola Bacily, Robert Bacily, Yousseff M Basseley, Sobhi Bushra, Daniel K Caresman, Kritbag Difrat, Google Inc, Ahmed Hamdy, Amal Nada, Abanob Basseley Nakoula, Nakoula Basseley Nakoula, Matthew Nekola, Erwin Salameh, Thomas J Tanas, YouTube LLC, Mark Basseley Youssef. (jp) (Entered: 10/04/2012)
10/09/2012	<u>6</u>	NOTICE Notice of Filing Re Copyright filed by Attorney for Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 10/09/2012)
10/09/2012	<u>7</u>	NOTICE AND ACKNOWLEDGMENT OF SERVICE of Summons and Complaint returned Executed filed by Plaintiff Cindy Lee Garcia, upon Defendant Google Inc acknowledgment sent by Plaintiff on 10/4/2012, answer due 12/3/2012; YouTube LLC acknowledgment sent by Plaintiff on 10/4/2012, answer due 12/3/2012. Acknowledgment of Service signed by Timothy Alger, Attorney. (Armenta, M) (Entered: 10/09/2012)
10/11/2012	<u>8</u>	EX PARTE APPLICATION to Exceed Page Limitation for an Application for TRO and Preliminary Injunction and an Order for Impoundment filed by Attorney for Plaintiff Cindy Lee Garcia.(Armenta, M) (Entered: 10/11/2012)
10/11/2012	<u>9</u>	DECLARATION of M. Cris Armenta In Support of Ex Parte Application to Exceed Page Limit EX PARTE APPLICATION to Exceed Page Limitation for an Application for TRO and Preliminary Injunction and an Order for Impoundment <u>8</u> filed by Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 10/11/2012)
10/12/2012	<u>10</u>	DECLARATION of M. Cris Armenta In Support of Ex Parte Application to Exceed Page Limit EX PARTE APPLICATION to Exceed Page Limitation for an Application for TRO and Preliminary Injunction and an Order for Impoundment <u>8</u> filed by Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 10/12/2012)
10/12/2012	<u>11</u>	ORDER DENIED Ex Parte Application to Exceed Page Limit Under Local Rule 11-6 <u>8</u> by Judge Michael W Fitzgerald. (jp) (Entered: 10/12/2012)
10/17/2012	<u>12</u>	EX PARTE APPLICATION for Temporary Restraining Order as to Ex Parte Application for a Temporary Restraining Order and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment. If this is filed during

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		normal business hours, please contact the courtroom deputy assigned to the judge. If you are filing this document after 5:00 Monday through Friday, on a weekend or holiday, and need immediate judicial review, please call 213-894-2485 to advise that a Temporary Restraining Order has been electronically filed. Failure to call the courtroom deputy, or the after hours filing contact number, may result in a delay of judicial review. Ex Parte Application filed by Attorney for Plaintiff Cindy Lee Garcia.(Armenta, M). Added MOTION for Preliminary Injunction. Motion on 10/18/2012 (jp). (Entered: 10/17/2012)
10/17/2012	<u>13</u>	REQUEST FOR JUDICIAL NOTICE re EX PARTE APPLICATION for Temporary Restraining Order as to Ex Parte Application for a Temporary Restraining ORder and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment. If this is filed during normal business hours, please co <u>12</u> filed by Attorney for Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 10/17/2012)
10/17/2012	<u>14</u>	DECLARATION of Garcia, Sutter, Flynn, Fadl, Levine, Hardy, Armenta In Support of Ex Parte Application for TRO EX PARTE APPLICATION for Temporary Restraining Order as to Ex Parte Application for a Temporary Restraining ORder and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment. If this is filed during normal business hours, please co <u>12</u> filed by Plaintiff Cindy Lee Garcia. (Attachments: # <u>1</u> Declaration Declaration of Levine, # <u>2</u> Declaration Declaration of Hardy, # <u>3</u> Declaration Declaration of Armenta)(Armenta, M) (Entered: 10/17/2012)
10/18/2012	<u>15</u>	MINUTES (IN CHAMBERS) by Judge Michael W Fitzgerald: On 10/17/2012, Plaintiff filed an Ex Parte Application for a Temporary Restraining Order and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment <u>12</u> . The Application is DENIED. For the reasons stated above and given that the alleged infringement seems to have commenced almost three months ago on 7/2/2012 (see Application at 2), the Court declines to consider this Application on an ex parte basis. Instead, the Court CONSTRUES the Application as a MOTION for a Preliminary Injunction. Accordingly, the Court ORDERS the following: Defendants shall file any opposition brief on or before 10/29/2012. Garcia shall file any reply brief on or before 11/5/2012. The hearing on Garcia's motion for preliminary injunction is hereby scheduled for 11/19/2012 at 10:00 AM. (jp) (Entered: 10/18/2012)
10/18/2012	<u>16</u>	NOTICE of Appearance filed by attorney Timothy L Alger on behalf of Defendants Google Inc, YouTube LLC (Alger, Timothy) (Entered: 10/18/2012)
10/18/2012	<u>17</u>	NOTICE of Appearance filed by attorney Timothy L Alger on behalf of Defendants Google Inc, YouTube LLC (Alger, Timothy) (Entered: 10/18/2012)
10/19/2012	<u>19</u>	NOTICE OF MOTION AND MOTION to Intervene with Request for Judicial Notice of Joinder, TRO and Injunction, filed by Plaintiff Cindy Lee Garcia. Motion set for hearing on 11/19/2012 at 10:00 AM before Judge Michael W Fitzgerald. (kbr) (Entered: 10/23/2012)

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10/22/2012	<u>18</u>	STIPULATION to Continue HEARING DATE ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION from November 19, 2012 to December 3, 2012 Re: Order on Ex Parte Application for TRO,,, <u>15</u> filed by defendants Google Inc, YouTube LLC. (Attachments: # <u>1</u> Proposed Order ON STIPULATION TO CONTINUE HEARING DATE ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION)(Alger, Timothy) (Entered: 10/22/2012)
10/23/2012	<u>20</u>	ORDER ON STIPULATION TO CONTINUE HEARING DATE ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION <u>18</u> by Judge Michael W Fitzgerald. The Court hereby orders that the hearing on Plaintiff's motion for preliminary injunction shall be continued to December 3, 2012, at 10:00 a.m. (kbr) (Entered: 10/24/2012)
10/26/2012	<u>21</u>	STIPULATION for Extension of Time to File Answer re Amended Complaint,, <u>5</u> filed by defendants Google Inc, YouTube LLC. (Attachments: # <u>1</u> Proposed Order ON STIPULATION RE YOUTUBE DEFENDANTS RESPONSE TO FIRST AMENDED COMPLAINT)(Alger, Timothy) (Entered: 10/26/2012)
10/29/2012	<u>22</u>	MEMORANDUM in Opposition to EX PARTE APPLICATION for Temporary Restraining Order as to Ex Parte Application for a Temporary Restraining ORder and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment. If this is filed during normal business hours, please coMOTION for Preliminary Injunction. Motion <u>12</u> filed by Defendants Google Inc, YouTube LLC. (Attachments: # <u>1</u> Request for Judicial Notice ISO Opposition to Motion for Preliminary Injunction, # <u>2</u> Exhibit A to C to Request for Judicial Notice ISO Opposition to Motion for Preliminary Injunction) (Alger, Timothy) (Entered: 10/29/2012)
10/29/2012	<u>23</u>	MEMORANDUM of Points and Authorities in Opposition Re: Request for Judicial Notice, Request for Relief,, <u>13</u> (Alger, Timothy) (Entered: 10/29/2012)
10/29/2012	<u>24</u>	OBJECTIONS to Declaration (Motion related), Declaration (Motion related), Declaration (Motion related) <u>14</u> <i>OBJECTIONS TO EVIDENCE SUBMITTED IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION AND ORDER OF IMPOUNDMENT</i> filed by Defendant YouTube LLC. (Attachments: # <u>1</u> Proposed Order)(Alger, Timothy) (Entered: 10/29/2012)
10/29/2012	<u>25</u>	OF SERVICE filed by Defendants Google Inc, YouTube LLC, re Objections - non-motion, <u>24</u> , Memorandum of Points and Authorities in Opposition (non-motion) <u>23</u> , MEMORANDUM in Opposition to Motion,, <u>22</u> <i>PROOF OF SERVICE</i> served on 10/29/2012. (Alger, Timothy) (Entered: 10/29/2012)
10/29/2012	<u>26</u>	ORDER ON STIPULATION RE YOUTUBE DEFENDANTS' RESPONSE TO FIRST AMENDED COMPLAINT <u>21</u> by Judge Michael W Fitzgerald. The Court hereby orders that the time for Defendants Google Inc. and YouTube, LLC to respond to the FAC, whether by answer, motion, or otherwise, shall be continued to and including 30 days after entry of the Court's decision on Plaintiffs Motion for Preliminary Injunction. (kbr) (Entered: 10/30/2012)

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11/05/2012	<u>27</u>	REPLY In Support of Motion EX PARTE APPLICATION for Temporary Restraining Order as to Ex Parte Application for a Temporary Restraining ORder and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment. If this is filed during normal business hours, please coMOTION for Preliminary Injunction. Motion <u>12</u> filed by Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 11/05/2012)
11/05/2012	<u>28</u>	Objection to Evidence Submitted by Defendant YouTube and Google In Support Of re: EX PARTE APPLICATION for Temporary Restraining Order as to Ex Parte Application for a Temporary Restraining ORder and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment. If this is filed during normal business hours, please coMOTION for Preliminary Injunction. Motion <u>12</u> filed by Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 11/05/2012)
11/05/2012	<u>29</u>	RESPONSE IN SUPPORT of EX PARTE APPLICATION for Temporary Restraining Order as to Ex Parte Application for a Temporary Restraining ORder and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment. If this is filed during normal business hours, please coMOTION for Preliminary Injunction. Motion <u>12 Response to Objections of Google Inc. and YouTube, LLC</u> filed by Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 11/05/2012)
11/05/2012	<u>30</u>	PROOF OF SERVICE filed by defendants Google Inc, YouTube LLC, <i>OF DOCUMENTS ON DEFENDANT MARK BASSELEY YOUSSEF AKA NAKOULA BASSELEY NAKOULA</i> served on November 5, 2012. (Bali, Sunita) (Entered: 11/05/2012)
11/15/2012	<u>31</u>	MINUTES (IN CHAMBERS): ORDER by Judge Michael W Fitzgerald: denying <u>19</u> Motion to Intervene. "Occupy Los Angeles et al." has not demonstrated any basis for intervention as of right, Fed. R. Civ. P. 24(a), or permissive intervention, Fed. R. Civ. P. 24(b). (kbr) (Entered: 11/15/2012)
11/28/2012	<u>32</u>	MINUTE ORDER IN CHAMBERS by Judge Michael W Fitzgerald. Counsel are hereby notified that the hearing on Motion for Preliminary Injunction <u>12</u> set for December 3, 2012 at 10:00 a.m., is hereby rescheduled for December 3, 2012 at 11:00 a.m. (kbr) (Entered: 11/28/2012)
11/28/2012	<u>33</u>	DECLARATION of MARK BASSELEY YOUSSEF re MEMORANDUM in Opposition to Motion,, <u>22</u> filed by Defendant YouTube LLC. (Alger, Timothy) (Entered: 11/28/2012)
11/28/2012	<u>34</u>	DECLARATION of TIMOTHY L. ALGER re MEMORANDUM in Opposition to Motion,, <u>22</u> filed by Defendants Google Inc, YouTube LLC. (Alger, Timothy) (Entered: 11/28/2012)
11/29/2012	<u>35</u>	NOTICE of Request Under Central District Local Rule 7-8 To Cross Examine Declarants Submitted by Defendants Google Inc. and YouTube LLC filed by Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 11/29/2012)
11/30/2012	<u>36</u>	OBJECTIONS to Notice (Other) <u>35 OBJECTIONS OF GOOGLE INC. AND YOUTUBE, LLC TO PLAINTIFFS NOTICE OF REQUEST UNDER CENTRAL DISTRICT LOCAL RULE 7-8 TO CROSS-EXAMINE</u>

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		<i>DECLARANTS</i> filed by Defendants Google Inc, YouTube LLC. (Alger, Timothy) (Entered: 11/30/2012)
11/30/2012	<u>37</u>	Objection to and Request to Strike Declarations of Alger and Youssef Objection re: EX PARTE APPLICATION for Temporary Restraining Order as to Ex Parte Application for a Temporary Restraining ORder and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment. If this is filed during normal business hours, please coMOTION for Preliminary Injunction. Motion <u>12</u> filed by Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 11/30/2012)
11/30/2012	<u>38</u>	MINUTE ORDER IN CHAMBERS by Judge Michael W Fitzgerald: ORDER DENYING REQUEST TO CROSS-EXAMINE <u>35</u> . (kbr) (Entered: 11/30/2012)
11/30/2012	<u>39</u>	MINUTES (IN CHAMBERS): ORDER by Judge Michael W Fitzgerald: denying <u>12</u> Motion for Preliminary Injunction. Accordingly, the hearing set for December 3, 2012, is removed from the Court's calendar. (kbr) (Entered: 11/30/2012)
11/30/2012	<u>40</u>	DECLARATION of James A. Blanco Objection to Declaration of Alger and Youssef EX PARTE APPLICATION for Temporary Restraining Order as to Ex Parte Application for a Temporary Restraining ORder and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment. If this is filed during normal business hours, please coMOTION for Preliminary Injunction. Motion <u>12</u> filed by Plaintiff Cindy Lee Garcia. (Armenta, M) (Entered: 11/30/2012)
12/07/2012	<u>41</u>	NOTICE OF MOTION AND MOTION for Leave to Appeal In Forma Pauperis, Order on Motion for Preliminary Injunction <u>39</u> , filed by Plaintiff Cindy Lee Garcia. Motion set for hearing on 2/11/2013 at 10:30 AM before Judge Michael W Fitzgerald. (Armenta, M) (Entered: 12/07/2012)
12/17/2012	<u>46</u>	NOTICE OF APPEAL to the 9th CCA filed by Movant Occupy Los Angeles. Appeal of Order on Motion to Intervene <u>31</u> and Order on Motion for Preliminary Injunction <u>39</u> . Filed On: 11/15/2012 and 11/30/2012; Entered On: 11/15/2012 and 11/30/2012; Filing fee \$ 455, billed. (dmap) (Entered: 12/27/2012)
12/21/2012	<u>42</u>	NOTICE OF APPEAL to the 9th CCA filed by Plaintiff Cindy Lee Garcia. Appeal of Order on Motion for Preliminary Injunction <u>39</u> (Appeal fee of \$455 paid.) (Attachments: # <u>1</u> Supplement Representation Statement)(Armenta, M) (Entered: 12/21/2012)
12/21/2012	<u>43</u>	APPEAL FEE PAID: re Notice of Appeal to 9th Circuit Court of Appeals <u>42</u> as to Plaintiff Cindy Lee Garcia; Receipt Number: LA060407 in the amount of \$455. (car) (Entered: 12/21/2012)
12/21/2012	<u>44</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 12-57302 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals <u>42</u> . (dmap) (Entered: 12/27/2012)
12/21/2012	<u>45</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of

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		Appeals 42 filed by Cindy Lee Garcia CCA # 12-57302. The appeal filed December 21, 2012 is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply. The mediation questionnaire remains due December 28, 2012. If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal. The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than January 18, 2013; the answering brief is due February 15, 2013 or 28 days after service of the opening brief, whichever is earlier, and the optional reply brief is due within 14 days after service of the answering brief. Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the clerk for failure to prosecute. Order received in this district on 12/21/2012. (dmap) (Entered: 12/27/2012)
12/27/2012	47	FILING FEE LETTER issued as to Movant Occupy Los Angeles re Notice of Appeal to 9th Circuit Court of Appeals 46 . (dmap) (Entered: 12/27/2012)
12/28/2012	48	NOTIFICATION by Circuit Court of Appellate Docket Number 12-57333, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals, 46 as to Movant Occupy Los Angeles. (mat) (Entered: 01/02/2013)
01/18/2013	49	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals 46 filed by Occupy Los Angeles CCA # 12-57333. The scope of this appeal is limited to a review of the November 15, 2012 order denying appellant's motion to intervene. A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days after the date of this order, appellant shall pay to the district court the \$455.00 filing and docketing fees for this appeal and file in this court proof of such payment or file in this court a motion to proceed in forma pauperis. See the order for all of the details. Order received in this district on 1/18/2013. (dmap) (Entered: 01/18/2013)
02/05/2013	50	TEXT ONLY ENTRY (IN CHAMBERS) by Judge Michael W. Fitzgerald. The NOTICE OF MOTION AND MOTION for Leave to Appeal In Forma Pauperis, Order on Motion for Preliminary Injunction 39 , filed by Plaintiff Cindy Lee Garcia previously scheduled for 02/11/13 at 10:30 am is hereby taken off calendar. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(cb) TEXT ONLY ENTRY (Entered: 02/05/2013)
02/14/2013	51	MINUTES (IN CHAMBERS): ORDER by Judge Michael W. Fitzgerald: denying 41 Motion for Leave to Appeal In Forma Pauperis. Garcia may resubmit a motion to prosecute her appeal IFP with the proper supporting documentation under Rule 24. (kbr) (Entered: 02/14/2013)

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF System on February 15, 2013.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF System.

DATED: February 15, 2013

/s/ *Timothy L. Alger*

Timothy L. Alger

Perkins Coie LLP

Attorneys for Appellees
Google Inc. and YouTube, LLC

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action. My business address is Four Embarcadero Center, Suite 2400, San Francisco, CA 94111-4131. **On February 15, 2013**, I served the following document(s) described as:

**APPELLEES GOOGLE INC. AND YOUTUBE, LLC'S
SUPPLEMENTAL EXCERPTS OF RECORD**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

M. Cris Armenta
The Armenta Law Firm APC
11900 W. Olympic Boulevard, Suite 730
Los Angeles, CA 90064

Attorney for Appellant Cindy Lee Garcia

Office of the Clerk
James R. Browning Courthouse
U.S. Court of Appeals
95 Seventh Street
San Francisco, CA 94103-1526

BY FEDERAL EXPRESS: I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) served hereunder.

Executed on **February 15, 2013** in San Francisco, California.

/s/ Linda Alcorn

Linda Alcorn